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<div align="center">REMARKS</div>

Claim rejections under 35 USC 103

Claims 21-26 have been rejected under 35 USC 101 as being directed to non-statutory subject matter. Claim 26 has been cancelled. Applicant has amended claim 21 so that the computer-readable medium in question is a recordable data storage medium, such that the software in question (i.e., the means) is implemented on a tangible computer-readable medium (i.e., the software is stored in the computer-readable recordable data storage medium). As such, claims 21-25 are statutory, insofar as they are not directed to non-statutory embodiments like modulated carrier signals.

Claim rejections under 35 USC 102 as to Almeida (7,219,343)

Claims 1-26 have been rejected under 35 USC 102(e) as being anticipated by Almeida. Claim 26 has been cancelled. Claims 1, 14, and 21 are independent claims, from which claims 2-13, 15-20, and 22-25 ultimately depend. Applicant submits that claims 1, 14, and 21 are patentable over Almeida under 35 USC 102, such that all the pending claims are patentable over Almeida under 35 USC 102 at least because they depend from patentable base independent claims.

Claim 1 is discussed as representative of claims 1, 14, and 21 insofar as the rejection over Almeida under 35 USC 102 is concerned. Applicant focuses on two limitations of claim 1. First, a user "communicat[e]s . . . with a service processor of a predetermined boot node . . . *to enter configuration information for the single-partition merged system.*" Second, "*the partition configuration information for the single-partition merged system*" is transmitted "from the service processor of the boot node to service processors of predetermined secondary nodes." Each of these limitations is now discussed.

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Applicant first notes that claim 1 has been amended so that the partition configuration information particularly specifies at least "which of the plurality of nodes is to be a primary node of the single-partition merged system to be constructed" and "which of the plurality of nodes are to be secondary nodes of the single-partition merged system to be constructed." (See, e.g., paras. [0005] and [0028] of the patent application as filed, in which the nodes are said to be merged via a process into a single-partition merged system, implying that the system has not yet been constructed; that the information specifies "which nodes are to be part of the system," also implying that the system has not yet been constructed; and that the information specifies the primary node and the secondary nodes of this single-partition merged system, as claimed.) Thus, in the claimed invention, the plurality of nodes are not yet organized into a single-partition merged system. Rather, such a single-partition merged system is "to be constructed," where the partition configuration information specifies which node is to be the primary node in this system and which nodes are to be secondary nodes in this system.

As to the limitation that a user communicates with a boot node service processor to enter configuration information for the single-partition merged system, the Examiner has stated that this limitation is disclosed in Almeida in its Abstract and in column 1, lines 52-61. As to the Abstract, Almeida makes no mention of a user entering configuration information for the single-partition merged system. As to column 1, lines 52-61, Almeida simply discloses that there are I/O resources that enable user interaction – not that the user actually enters *configuration information for the single-partition merged system*, as to which the claimed invention is limited. That is, Almeida does not disclose user entry of such configuration information that includes which node is to be the primary node of the single-partition merged system to be constructed, and which nodes are to be secondary nodes of the single-partition merged system to be constructed. Therefore, Almeida does not disclose this element of the claimed invention exactly as claimed, such that Almeida cannot be said to anticipate the claimed invention under 35 USC 102.

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As to the limitation that the partition configuration information for the single-partition merged system is transmitted from the boot node service processor to secondary node service processors, the Examiner has stated that this limitation is disclosed in Almeida in its Abstract, in FIG. 1, and in column 1, line 52, through column 2, line 23. In one of these portions of Almeida, however, is it discussed that partition configuration information is transmitted that includes which node is to the primary node of the single-partition merged system to be constructed, or which nodes are to be secondary nodes of the single-partition merged system to be constructed. Indeed, in Almeida what is transmitted from the boot node to the secondary nodes is firmware update information. (See, e.g., col. 2, ll. 4-7.) Furthermore, Almeida appears to presume that such a single-partition merged system is *already constructed*, and not *to be constructed*, as in the claimed invention. (See, e.g., col. 1, ll. 62-65, in which the firmware update utility "first determines the presence of a multi-node partition and detects the partition's configuration" – which assumes that such a multi-node partition system has already been constructed.) Therefore, Almeida does not disclose this element of the claimed invention exactly as claimed, such that Almeida cannot be said to anticipate the claimed invention under 35 USC 102.

Claim rejections under 35 USC 102 as to Lin (2002/0049966)

Claims 1-26 have been rejected under 35 USC 102(b) as being anticipated by Lin. Claim 26 has been cancelled. Claims 1, 14, and 21 are independent claims, from which claims 2-13, 15-20, and 22-25 ultimately depend. Applicant submits that claims 1, 14, and 21 are patentable over Lin under 35 USC 102, such that all the pending claims are patentable over Lin under 35 USC 102 at least because they depend from patentable base independent claims.

Claim 1 is discussed as representative of claims 1, 14, and 21 insofar as the rejection over Lin under 35 USC 102 is concerned. Claim 1 has been amended to be limited to "the plurality of nodes [being] merged into the single-partition merged system based on the partition configuration information," where "each node ha[s] at least a primary processor other than the service

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processor of the node." (See patent application as filed, para. [0026] as to the difference between a primary processor and a service processor, and paras. [0005] and [0028] as to the nodes being merged into a single-partition merged system that is configured on the basis of the partition configuration information.) Furthermore, as has been discussed above, the partition configuration information particularly specifies at least "which of the plurality of nodes is to be a primary node of the single-partition merged system to be constructed" and "which of the plurality of nodes are to be secondary nodes of the single-partition merged system to be constructed."

Upon careful review of Lin as a whole and in thorough detail, Applicant believes that it is readily apparent that Lin is essentially irrelevant to the claimed invention at least as has been amended, such that Lin cannot be remotely considered as anticipating claim 1. First, for instance, Lin does not disclose nodes having primary processors other than their service processors. Rather, Lin just discloses computers 14, which presumably have primary processors (i.e., central processing units, or CPU's), but which are not disclosed inherently or explicitly as having service processors. For this reason alone, Lin does not anticipate the claimed invention.

Second, Lin does not disclose merging a plurality of nodes into a single-partition merged system. The merged partition 30 of any given single computer 14 represents the merging of the two partitions 24 and 26 of any given single computer 14. (Para. [0041]) The two computers 14 depicted in FIG. 1 of Lin, in other words, are not to be merged into a single-partition merged system, as in the claimed invention. Rather, the whole of Lin is directed to how each such computer 14 downloads software for configuring the merged partition 30 on each individual computer 14, and thereafter installing software, such as an operating system, on such a merged partition 30. (Paras. [0026] and [0031], in which partition information is downloaded to construct the merged partition 30 on a given individual computer 14; paras. [0030]-[0032], in which an operating system is downloaded for installation on this new merged partition 30 on a given computer 14.) That is, the entirety of Lin is directed to how each individual computer 14 can configure a partition *on that individual computer in question*, and not how a plurality of

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computers/nodes are merged into a single-partition merged system, as in the claimed invention.
(For example, consider the fact that the entire process discussed in Lin starting at paragraph
[0026] is in relation to a "computer 14" singular, not in relation to the computers 14 as in
paragraph [0025].) For this reason, too, Lin does not anticipate the claimed invention.

Applicant believes that the confusion as to Lin as to this second reason why Lin does not
anticipate the claimed invention may be borne in the fact that Lin discusses merging two partitions
of a storage device of a single computer together to result in a merged partition. For example,
Lin talks about how there is a "merged partition 30" on the storage device 22 (para. [0031]),
which encompasses the previous partitions 24 and 26 on this storage device 22 (compare the
before-merged partitions in FIG. 2 to the after-merged partitions in FIG. 3, for instance, and also
see para. [0026].) In any case, these merged partitions are on the storage device(s) of a single
computer – they do not represent a single-partition merged system made up of a number of
computers/nodes, as to which the claimed invention is limited. Applicant hopes that this
paragraph has been beneficial in further explaining why Lin does not disclose merging a plurality
of nodes into a single-partition system as in the claimed invention.

Finally, third, Lin does not disclose a single-partition merged system having a "boot node"
and "at least one secondary node." Each of the computers 14 in Lin is its own "boot node."
There is no computer 14 in Lin that is identified as a boot node for the system made up of all the
computers 14, such that there is no computer 14 in Lin that is identified as a secondary node that
is subordinate to the primary or boot node. Rather, each of the computers 14 is said to "boot"
and "reboot" (paras. [0030]-[0031]), without regard to the other of the computers 14. Lin is thus
not relevant to a single-partition merged system made up of a plurality of nodes at all, in
contradistinction to the claimed invention. For this reason as well, Lin does not anticipate
the claimed invention.

Applicant parenthetically notes that Lin is in fact concerned with shipping computers to
multilingual countries, such that a desired language can be installed on each such computer.

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>   The invention allows the computer manufacturer to bundle one recovery
>   CD and one system CD to the computer [singular] when the computer [singular] is
>   shipped to a multilingual country. The recovery CD comprises a partition image
>   file and a plurality of OS image files. For example, if the computer is shipped to
>   Switzerland, the recovery CD includes German, French, and Italian OS image files.
>   When the computer fails to function properly due to errors, a user can use the
>   recovery CD to recovery the computer. If the user wants to re-install an OS, the
>   user can also use the recovery CD to re-select the OS.
>   . . . .
>   In this case, since the second partition . . . comprises three OS image files, the
>   selection frame has three options that are the German OS, the French OS, and the
>   Italian OS respectively for the user to select.
>   . . . [T]he user chooses the OS in need, for example, the user has chosen
>   the German OS.

(Paras. [0037], [0030], [0031]) Applicant mentions this to underscore the fact that Lin is not

concerned at all with merging a plurality of computers into a single-partition merged system.

Rather, Lin is concerned with, for a single computer, enabling a user to select from a number of

different language OS files, where as part of the installation process, two existing partitions on the

storage device of the computer may be merged into a single partition. (Para. [0031].) Applicant

hopes that this paragraph has also been beneficial in explaining why Lin does not disclose merging

a plurality of nodes into a single-partition system as in the claimed invention.

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Conclusion

     Applicants have made a diligent effort to place the pending claims in condition for allowance, and request that they so be allowed. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Mike Dryja, Applicants' Attorney, at 425-427-5094, so that such issues may be resolved as expeditiously as possible. For these reasons, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

September 28, 2007
Date

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